

EDWARDSVILLE SPECTATOR.

VOL. I.]

EDWARDSVILLE, ILLINOIS, TUESDAY, FEBRUARY 22, 1820.

[NO. 39.]

PUBLISHED WEEKLY,

BY HOOPER WARREN.

Terms of subscription—THREE DOLLARS per annum, payable in advance.

Advertisements not exceeding a square. ONE DOLLAR for the first insertion, and FIFTY CENTS for each subsequent insertion. Larger advertisements in the same proportion. A deduction of 25 per cent. from the above price will be made on advertisements inserted by the year. Orders for advertising must be accompanied by the cash.

Laws of the United States.

PUBLISHED BY AUTHORITY.

AN ACT making a partial appropriation for the military service of the United States for the year eighteen hundred and twenty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and are hereby appropriated to the objects herein specified, to wit:

For subsistence of the army of the United States, two hundred and twenty thousand dollars.

For the national armories, fifty-six thousand dollars.

For arrearages, on the settlement of outstanding claims, fifty thousand dollars.

Sec. 2. And be it further enacted, That the said sums be paid out of any money in the treasury, not otherwise appropriated.

H. CLAY,

Speaker of the House of Representatives.

DANIEL D. TOMPKINS,

Vice President of the United States and President of the Senate.

January 14, 1820. Approved,

JAMES MONROE.

AN ACT in addition to the "act making appropriations for the support of the navy of the United States, for the year one thousand eight hundred and nineteen."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, in addition to those appropriated by the act to which this is a supplement, be, and the same are hereby appropriated:

For pay and subsistence of the officers, and pay of the seamen, two hundred and seventy-three thousand one hundred dollars.

For provisions, forty-one thousand four hundred dollars.

For medicines, hospital stores, and expenses on account of the sick, including those of the marine corps, eight thousand eight hundred and fifty dollars.

For repairs of vessels, one hundred and one thousand two hundred dollars.

For contingent expenses, eleven thousand dollars.

For the salaries of two agents, and a surveyor, appointed under the authority of the act of congress of the first March, one thousand eight hundred and seventeen, entitled "An act making reservation of certain public lands to supply timber for naval purposes," and contingent expenses for carrying the same into effect, seven thousand five hundred dollars.

Sec. 2. And be it further enacted, That the several appropriations herein before made, shall be paid out of any money in the treasury, not otherwise appropriated.

H. CLAY,

Speaker of the House of Representatives.

DANIEL D. TOMPKINS,

Vice President of the United States and President of the Senate.

January 14, 1820. Approved,

JAMES MONROE.

AN ACT supplementary to the act, entitled "An act to regulate and fix the compensation of the clerks in the different offices," passed the twentieth of April, one thousand eight hundred and eighteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority given in the eighth section of the above recited act, to the secretary of the treasury, to employ nine additional clerks in the office of the third auditor, and three additional clerks in the office of the second comptroller of the treasury, be, and the same is hereby, continued, until the thirty-first day of December, one thousand eight hundred and twenty, and no longer; and that the sum necessary to carry into effect the provisions of this act, be, and the same is hereby, appropriated, and shall be paid out of any money in the treasury, not otherwise appropriated.

H. CLAY,

Speaker of the House of Representatives.

DANIEL D. TOMPKINS,

Vice President of the United States and President of the Senate.

January 14, 1820. Approved,

JAMES MONROE.

AN ACT for the relief of the legal representative of Philip Barbour, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register of the land office and receiver of public moneys of the United States in the state of Mississippi west of Pearl river, be, and they are hereby authorized and directed, within twelve months after the passage of this act, to report to the commissioner of the general land office the value of fifteen hundred acres of land, situated on the river Mississippi, at the

mouth of Big Black, commonly called the Grand Gulph, patented in the year one thousand seven hundred and seventy, by the government of West Florida, to Philip Barbour, deceased; the said register and receiver having, in making such estimate, a due regard to the time when the said land, or any part of it, was sold by the government of the United States: whereupon the said commissioner of the general land office shall issue to the legal representative of the said Philip Barbour, deceased, a certificate of the amount so reported by the said register and receiver; which certificate shall be receivable in payment of any debt which may have accrued, or shall hereafter accrue, to the United States, on the sale of any of the public lands: Provided, however, That, before the said commissioner of the general land office shall issue the certificate, the said legal representative shall file in his office a written release, under his hand and seal, with all the solemnities necessary to make it valid and operative, whereby he shall release to the United States all his claim to the said fifteen hundred acres of land.

H. CLAY,

Speaker of the House of Representatives.

DANIEL D. TOMPKINS,

Vice President of the United States and President of the Senate.

January 14, 1820. Approved,

JAMES MONROE.

CONGRESS.

HOUSE OF REPRESENTATIVES.

DECEMBER 27.

DISTRICT OF COLUMBIA.

Mr. WHITMAN, of Massachusetts, offered for consideration the following resolution:

Resolved, That the committee on the District of Columbia be directed to inquire into the expediency of establishing a territorial government for the District of Columbia.

Mr. WHITMAN said that, on presenting this resolution, he deemed it proper to offer a few remarks. This subject, said he, has heretofore been recommended to the consideration of Congress by the Executive; and the older we grow the more sensible shall we become of the necessity of adopting this course. We cannot much longer be expected to devote much of our time to the minor affairs of this little district. Congress cannot have more time than will necessarily be required for the great affairs of the nation. Besides, (said Mr. W.) there is great absurdity in our legislating for a people, of whom, and of whose affairs, not one of us have any particular knowledge. We are, as it were, assembled from a foreign country, as it respects the state of things in the District of Columbia. No one of us has grown up in a familiar acquaintance with their concerns. We, however, have a standing committee on the affairs of this District.—This committee, occasionally, at the instigation of some one man or set of men, within the District, bring forward bills. If no one of the committee objects to them, however lengthy or complicated in their nature, they pass *sub silentio*.—No one, out of the committee, knows any thing of the subject matter of them or of their bearings.

Sir, said Mr. W. the people in this District have been governed for nearly twenty years, without having a single voice in the enactment of their laws. If they possess the sensibility, which we must believe they do, in common with the rest of their fellow-citizens, as to the right of self government, we cannot, long, expect them to be easy and satisfied in such a situation. The citizens of this District are surely not less intelligent, and have not less of the spirit of men and of freemen, than is to be found in every similar body in the United States.

The affairs of the District require much of legislation. The laws, at present, in it, are in the most perplexed condition. On the Virginia side of the Potomac they have the common law, the statute law of Virginia, and the acts of Congress made for the District, all in a confused mass. And on this side of the river they have the statutes of Maryland, mixed up with the common law, and the statutes made for the District. Such a jumble of laws never before governed any one such district of country. To bring order out of such a chaos, the best talents and the longest acquaintance with the actual state of things is indispensable. It is impossible that any member of Congress, and much less can it be that any considerable portion of Congress, can be adequate to such a task.

This District of Columbia (said Mr. W.) is, in every point of view, the most interesting of any equal portion of the Union. Here are to be assembled all the most distinguished men of our country, at the head of our affairs. Here is to be, for many years, at least, and, I could hope for ever, the seat of the national government.—Here are assembled, from every part of the Union the representatives of the people, who are to reside here for a considerable portion of the year: and here, also, is the fairest portion of the property of the Union.

The prosperity of this District, then, must be near to the heart of every member of this House. The only question which any one can ask is—What is the best mode of promoting it? My opinion is, sir, that it can only be done by self-government. To this I cannot believe the citizens of the District will object.

But, sir, said Mr. W. I have another motive. I do believe that the people of this district ought to be at some portion of the expense of the government of themselves; and that it ought not, wholly, to devolve upon the Union at large. They ought, at least, to bear their proportion of the burthens in common with the rest of their fellow-citizens. Gentlemen are not, perhaps, all apprized, that the Treasury of the United States is drawn upon for every expenditure incident to the judiciary in this District. That the grand and petit jurors and witnesses on the part of government; and the officers attending court, and every other contingency, is an incumbrance upon the Treasury Department. The sums that are annually to be drawn from the Treasury in this way, are by no means inconsiderable. At this time, it seems that a court-house is needed—and this, too, it would seem, must be built by the Government of the United States. And if the United States are to build it, the expense, we may presume, if we may judge from what has been, will not fall short of 100,000 dollars. If it were to be built by the county of Washington, said Mr. W. I will undertake to say, it would not cost 10,000 dollars. The United States have already erected a jail for this county; and there, said Mr. W. I should like to stop. I for one should still be willing to pay the salary of their Governor, and perhaps of their Judges.

There is no portion of the Union, said Mr. W. where such advantages are enjoyed by our citizens as in this district. If any of our state governments were about to fix on a seat of government, would there be a single town in it, the inhabitants of which would not willingly make great pecuniary sacrifices to secure so great a boon? And, if that would be the case as to a state government, what would any such town say to the proposal to establish within it the seat of government of the Union? The citizens of this District derive infinite benefit from the constant issues from the Treasury here. And they are certainly as wealthy and as well able to bear their proportion of the public burdens as any portion of the Union. I hope, Sir, this measure will be adopted, as well for the benefit of the Union as for the benefit of the citizens of this District.

Mr. BARBOUR, of Va. said, if he understood the purpose of the resolution just offered by the member from Massachusetts, (of which, however, he was not sure, as he heard it indistinctly,) it was, to create a territorial government, including of course, a legislative department, within the District of Columbia. The gentleman had urged, in support of his proposition, various considerations drawn from inconvenience. Mr. B. said, that he had, in some degree, experienced some of the difficulties which the gentleman had stated; particularly, as a member of this house, he had felt the difficulty of devoting to the business of the District a due portion of time, and yet at the same time attending to the great public concerns of the country. But, sir, said he, whatever may be the inconvenience, I fear it must be submitted to, at least under the present constitution. He would call the attention of the house to the clause of the constitution which had reference to this subject: "Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of the government of the United States." Now, sir, said he, it does appear to me that the mere quotation of this clause almost entirely supercedes the necessity of comment. The power to legislate is given to Congress; and, to make the grant more explicit and more emphatic, the term, *exclusive* is added, and, finally, in all cases whatsoever. We ourselves are a created body; to us have been given a certain power, confided a certain trust: is it competent for us to become the creators of another body, to which this power is to be given—this trust confided? Is it competent for any department of any government, whether federal or state, to which certain political power has been delegated, to delegate the same power to another or subordinate body? Would the legislature of Massachusetts or Virginia, for example, be able to delegate the legislative powers respectively granted to them, to any other body? He was satisfied that no gentleman would undertake to hold the affirmative. If the gentleman's proposition had only gone to this—to the establishment of some subordinate power, with authority to digest a system of laws for the District, subject to the control of Congress, either by approval or disapproval, it

would have presented another question, which, when it shall occur, may be well worthy of consideration. But, sir, if we adopt the resolution now offered, and establish an independent legislature, what will be our situation? Either we should continue to exercise legislative power over the District, or we should not. In the first case our legislative power would not be *exclusive*, but *concurrent*; in the other part of the alternative, not only should we not exercise *exclusive* legislation, but another power, unknown to the constitution, would exercise *exclusive* legislation. Under these impressions he should vote against the resolution.

Mr. WHITMAN said, he was not convinced by the remarks of the gentleman from Virginia, (Mr. Barbour,) of the unconstitutionality of this measure. His construction, said Mr. W. of the Constitution, cannot be correct. In giving Congress the exclusive power of legislating for the District, nothing more was meant or intended, than to give the sovereign control over it to Congress. We have the same power over the territories, and no other; and by words of similar import—and yet we have never hesitated to erect governments over them. The argument of the gentleman would prove too much. If we are obliged to exercise exclusive legislation, and cannot delegate this power, how happens it that we have created cities within the District and given them legislative power? The city of Washington is constantly publishing her legislative acts in relation to the city. If we can delegate any portion of this power, we can, surely, delegate the whole. If we can parcel it out in detail, we can part with it in the gross.

Sir, said Mr. W. as I am up, I will just remark, that it will be impossible for Congress to legislate for this District. Every petty purpose for which an act may be necessary, whether to authorize the assessment of a tax, to incorporate a company, or to alter a name, application must be made to Congress; the application be referred to a committee; the committee must report, perhaps by bill; the report be referred to a committee of the whole, and placed among the orders of the day; and, after discussion and amendment, reported to the house: Then, if a bill, after being read the usual number of times, be engrossed; and then enrolled and passed; and then sent to the Senate, where it must undergo the same formalities; and, finally, receive the signature of the President. Besides these special acts, said Mr. W. at the last session we had a code of laws, in a volume of five or six hundred pages, of a general nature, laid upon our tables. The highest law authority in the District had deemed all these necessary: and that authority had again been requested to revise this code. But, said Mr. W. I have never yet been informed in what manner these laws are to obtain our sanction. Surely we are not to adopt the whole, in the gross, without knowing any thing about them, and without their undergoing any of the ordinary forms necessary to the passage of other laws. Such legislation would be disgraceful. And, if we are to transcribe each proposed act into the form of a bill, and then to pass it in the ordinary way, the whole time of Congress would be necessary, exclusively, for many years, for the purpose. Sir, I believe we have the power to rid ourselves of this business; and I hope we shall not fail to do it.

Mr. COOK, of Georgia, rose, to remind the House, and particularly those gentlemen who were not members of it at the last session, that the subject now before the House being then under consideration by the District of Columbia, some pains had been taken to ascertain the sense of the citizens of the District on the subject. The result of the inquiry made from the three corporations of Washington, Georgetown, and Alexandria, was an unanimous declaration that they were not desirous of the establishment of a territorial government.—With regard to the arguments of the gentleman from Massachusetts, in reply to that of the gentleman from Virginia, on the constitutionality of such a measure, if the gentleman would examine it closely, he would find that they were really arguments of expediency, founded on the inconveniences experienced from the present condition of the territory.

Mr. COOK, of Illinois, rose, and said that, as he considered the resolution of the gentleman from Massachusetts (Mr. Whitman) proposed making a provision of some importance, at least in a fiscal point of view, to the government, he trusted he should not be considered troublesome, but would be indulged by the house whilst he offered those views of the subject which had occurred to him during the progress of the debate.

I concur, said Mr. C. with the gentleman from Virginia, (Mr. Barbour,) in the proposition that a legislative body, created by the constitution of the state, cannot itself create a subordinate legislature, and impart thereto those powers of legislation with which it was itself

clothed. It would, as the gentleman has urged, be making the creature equal to, and in turn itself a creator.

But, sir, whilst I admit the correctness of this proposition, I must beg leave to differ with the gentleman when he supposes that it comes in collision with the resolution now before the house. The resolution proposes the establishment of a territorial government within the District of Columbia. But, says the gentleman, the constitution vests the power of legislating for that District, *exclusively* in Congress, and, from the expressions in that instrument, that power cannot be imparted to a subordinate legislature. Sir, in construing the constitution, I hold it as a correct principle, that all its parts should be taken together; and, adopting this as the true rule of construction, I think it will appear evident that it was not the intention of the convention, in using those words, that Congress *itself* should "exercise exclusive legislation" over the district; but that those expressions were used for the purpose of precluding the sovereign authority of those states, from which the district might be purchased, from exercising it thereafter over the district, and thereby protect the national legislature and the various departments of the government, against the operation of laws passed by any other authority than itself, or such authority as would be amenable to it.

It cannot be doubted, Mr. Speaker, that, at the time the constitution was adopted, it was intended and expected to purchase this "ten miles square" for the seat of the national government, from one or more states, the boundaries whereof were already defined by their own constitutions or charters, and whose sovereignty was co-extensive with those boundaries; and in order therefore to exclude that sovereignty, after such purchase by the federal government, it was necessary to use expressions at least as strong as those that have been used, although different terms might have been employed to convey the same intention.

If we will pursue the same clause of the constitution throughout, an additional argument may be drawn therefrom, in support of this position: "Congress shall have power to raise and support armies, and provide for the common defence." To make all regulations concerning the erection of forts, arsenals, magazines, &c. would seem, therefore, to be implied in this delegation of power; yet, because those posts might, and necessarily would be, within the limits of sovereign states, it was necessary to guarantee, by the constitution, exclusive sovereignty over such places to the federal government. It was necessary, otherwise the state sovereignties might interfere with the views of the federal government in relation to those places; and hence we see that Congress is authorized to "exercise exclusive legislation" over such places, in express terms.

And, sir, this construction will appear the more reasonable when we compare the foregoing provisions of the constitution with that clause which gives to Congress the power to make all needful rules and regulations respecting the territory and other property of the United States. It is true, sir, this latter clause does not declare that Congress shall have the power *exclusively* to make those needful rules and regulations; and it was for an obvious reason: it was this, sir—That over the territories belonging to the United States, without the boundaries of any particular state, there could be no co-existing sovereignty, the exclusive sovereignty already being vested in Congress. The word *exclusive* was therefore unnecessary, because there was no other sovereign authority to be excluded. And yet Congress is empowered to make those needful rules and regulations; a power which Congress has, in part, invariably exercised, through the medium of subordinate legislatures.

And, sir, the moment the sovereignty of the federal government became complete over the District of Columbia, that very moment, by taking all the constitution together, it stood upon the same footing with the other territory of the United States, and Congress was authorized to make all needful rules and regulations respecting it. And, upon the same principle that territorial governments have been established west of the Mississippi, as a needful rule and regulation respecting that territory, Congress may establish a territorial government in this district.

I contend, then, said Mr. C. that the only reason why the terms in which the powers of Congress are couched, in the one case, are stronger than they are in the other, is, that, in the one case, provision was to be made for transferring a pre-existing sovereignty from the less to the greater sovereign, and, in the other, the greater was already possessed of that sovereignty. And if in the one case Congress have authority to impart legislative power to a subordinate legislature, it has equally in the other.

If I have arrived fairly at this conclu-